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*Attorneys for Defendant National  
Collegiate Athletic Association*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TAYLOR SMART and MICHAEL  
HACKER, individually and on  
behalf of all those similarly  
situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION

Defendant.

Case No. 2:22-cv-02125-WBS-CSK

**DECLARATION OF MEGAN McCREADIE  
IN SUPPORT OF DEFENDANT NCAA'S  
OPPOSITION TO PLAINTIFFS'  
MOTIONS FOR CLASS CERTIFICATION**

Judge: Hon. William B. Shubb  
Courtroom: 5  
Date: March 3, 2025  
Time: 1:30 p.m.

SHANNON RAY, KHALA TAYLOR,  
PETER ROBINSON, KATHERINE  
SEBBANE, and RUDY BARAJAS,  
individually and on behalf of  
all those similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, an unincorporated  
association,

Defendants.

Case No. 1:23-cv-00425-WBS-CSK

1 I, Megan McCreadie, declare as follows:

2 1. I am a member of good standing of the State Bar of  
3 California, and I have been admitted to this Court. I am an  
4 attorney at Munger, Tolles & Olson and counsel of record for the  
5 Defendant National Collegiate Athletic Association ("NCAA"). I am  
6 personally familiar with the facts set forth in this Declaration.  
7 If called upon to testify, I could and would testify completely to  
8 the truth of the matters stated herein.

9 2. The exhibits cited in support of Defendant NCAA's  
10 Opposition to Plaintiffs' Motion for Class Certification are set  
11 forth in the table below. **Exhibit 1** is a true and correct copy of  
12 the report of the NCAA's expert, Dr. Jee-Yeon Lehmann.  
13 **Exhibits 2-6, 8-13, and 15** are true and correct copies of excerpts  
14 from the transcripts of depositions in these cases. **Exhibit 7** is  
15 a true and correct copy of an exhibit used in a deposition in  
16 these cases. **Exhibits 14 and 16-18** are true and correct copies of  
17 Plaintiffs' responses to interrogatories served by the NCAA.  
18 **Exhibit 19** is a true and correct copy of a document produced by  
19 Colon Plaintiffs to the NCAA. **Exhibits 20 and 21** are true and  
20 correct copies of documents produced by the NCAA in these cases.  
21 **Exhibit 22** is a true and correct copy of excerpts from an exhibit  
22 used in a deposition in these cases. **Exhibits 23 through 25** are  
23 true and correct copies of documents produced by Plaintiffs from  
24 the third-party productions of NCAA member institutions subpoenaed  
25 by Plaintiffs. All of these exhibits are attached hereto as  
26 **Exhibits 1 through 25.**

27 3. Pursuant to the parties' Stipulated Protective  
28 Orders (*Smart* ECF 48 and *Colon* ECF 56), and further set forth in

Defendant's Notice of Request and Request to Seal Documents, any exhibits that have been designated as Confidential or Attorneys' Eyes Only are subject to a request to be filed under seal (in whole or in part) and are denoted as such in the following table.

Exhibit No.	DESCRIPTION	SUBJECT TO REQUEST TO SEAL?
1	Expert Report of Dr. Jee-Yeon Lehmann	Yes, redacted public version filed
2	Excerpts from the Transcript of the December 9, 2024 Deposition of Dr. Daniel Rascher	Yes
3	Excerpts from the Transcript of the December 16, 2024 Deposition of Jeremiah Carter	No
4	Excerpts from the Transcript of the October 10, 2024 Deposition of Lynda Tealer	No
5	Excerpts from the Transcript of the August 27, 2024 Deposition of Matt Boyer	No
6	Excerpts from the Transcript of the December 5, 2024 Deposition of Dr. Orley Ashenfelter	Yes
7	Exhibit 74 to the December 5, 2024 Deposition of Dr. Orley Ashenfelter (Subpoena response containing	Yes

1		personnel files produced by <i>Colon</i>	
2		Plaintiffs from the third-party	
3		production of South Dakota State	
4		University, with beginning Bates	
5		number COLON_SCHLS_0000016398)	
6	8	Excerpts from the Transcript of the	No
7		September 24, 2024 Deposition of	
8		Taylor Smart	
9	9	Excerpts from the Transcript of the	Yes, redacted
10		October 17, 2024 Deposition of Peter	public version
11		Robinson	filed
12	10	Excerpts from the Transcript of the	No
13		October 25, 2024 Deposition of Rudy	
14		Barajas	
15	11	Excerpts from the Transcript of the	No
16		October 23, 2024 Deposition of Khala	
17		Taylor	
18	12	Excerpts from the Transcript of the	Yes, redacted
19		October 15, 2024 Deposition of	public version
20		Shannon Ray	filed
21	13	Excerpts from the Transcript of the	No
22		October 8, 2024 Deposition of Michael	
23		Hacker	
24	14	<i>Colon</i> Plaintiffs' Amended Responses	No
25		to the NCAA's Second Set of	
26		Interrogatories (dated August 27,	
27		2024)	
28			

1	15	Excerpts from the Transcript of the	Yes, redacted
2		October 28, 2024 Deposition of	public version
3		Katherine Sebbane	filed
4	16	<i>Smart</i> Plaintiffs' Amended Objections	Yes, redacted
5		and Answers to the NCAA's Second Set	public version
6		of Interrogatories (dated	filed
7		September 17, 2024)	
8	17	Plaintiff Barajas's Responses to the	No
9		NCAA's Second Set of Interrogatories	
10		(dated October 1, 2024)	
11	18	<i>Colon</i> Plaintiffs' Second Amended	No
12		Responses and Objections to the	
13		NCAA's Second Set of Interrogatories	
14		(dated October 18, 2024)	
15	19	COLON_CONFERENCE_0000208854 (Email	Yes
16		chain produced by <i>Colon</i> Plaintiffs	
17		from the third-party production of	
18		the Missouri Valley Conference)	
19	20	NCAA_SMART-COLON_0019545 (NCAA	No
20		Division I Proposal 2022-28, produced	
21		by the NCAA)	
22	21	NCAA_SMART-COLON_0019530 (NCAA	No
23		Division I Proposal 2018-34, produced	
24		by the NCAA)	
25	22	Excerpts from Exhibit 72 to the	No
26		December 5, 2024 Deposition of	
27		Dr. Orley Ashenfelter (redacted	
28			

1		public version of the Report of Orley	
2		Ashenfelter in <i>In re Animation</i>	
3		<i>Workers Antitrust Litigation</i> )	
4	23	COLON_SCHLS_0000013529 (Subpoena	Yes
5		response with data on coaches	
6		produced by <i>Colon</i> Plaintiffs from the	
7		third-party production of the	
8		University of Wyoming)	
9	24	COLON_SCHLS_0000001726 (Subpoena	Yes
10		response with data on coaches	
11		produced by <i>Colon</i> Plaintiffs from the	
12		third-party production of the	
13		University of Nevada, Las Vegas)	
14	25	COLON_SCHLS_0000001818 (Subpoena	Yes
15		response with data on coaches	
16		produced by <i>Colon</i> Plaintiffs from the	
17		third-party production of Louisiana	
18		State University)	

4. Plaintiffs subpoenaed and received documents from NCAA Division I member institutions. I understand that Plaintiffs have done a rolling production of what they received in response to these subpoenas to the NCAA. The documents received included information related to the member institutions' coaching staffs (including the identities of volunteer coaches) and the compensation offered to coaching staff members. I have reviewed these documents in my role as counsel to the NCAA. Because the documents themselves are voluminous and unwieldy to submit as

1 exhibits, and because the institutions that produced the documents  
2 designated certain of the information contained therein as highly  
3 sensitive, I have summarized below as true and correct information  
4 from these documents that the NCAA relies upon in its Opposition  
5 to Plaintiffs' Motions for Class:

6       5. I reviewed the document Bates numbered  
7 COLON\_SCHLS\_0000013529 produced to the NCAA by Plaintiffs from the  
8 third-party production they received from the University of  
9 Wyoming (**Exhibit 23** hereto). Based on my review of the document,  
10 in 2023-2024 academic year, following the bylaw change, the  
11 University of Wyoming added a paid assistant coach position in  
12 women's volleyball. The individual hired into the new paid  
13 coaching position was someone other than the 2022-2023 volunteer  
14 coach.

15       6. I reviewed the document Bates numbered  
16 COLON\_SCHLS\_0000001726 produced to the NCAA by Plaintiffs from the  
17 third-party production they received from the University of  
18 Nevada, Las Vegas ("UNLV") (**Exhibit 24** hereto). According to my  
19 review of the document, UNLV had two paid assistant women's  
20 volleyball coaches and one volunteer women's volleyball coach in  
21 the 2022-2023 season. In the 2023-2024 season, following the  
22 bylaw change, UNLV continued to have two paid assistant women's  
23 volleyball coaches and one unpaid women's volleyball coach.

24       7. I reviewed the document Bates numbered  
25 COLON\_SCHLS\_0000001818 produced to the NCAA by Plaintiffs from the  
26 third-party production they received from Louisiana State  
27 University (**Exhibit 25** hereto). Based on my review, in the 2023-  
28 2024 season, Louisiana State University had three paid assistant

1 gymnastics coaches. The highest-paid assistant gymnastics coach  
2 made a salary of [REDACTED], while the lowest-paid assistant  
3 gymnastics coach made a salary of [REDACTED] in that year.

4 8. Pursuant to Eastern District of California Local  
5 Rule 133(j), the NCAA will lodge with the Court copies of the  
6 complete transcripts of the depositions of Dr. Ashenfelter,  
7 Dr. Rascher, Mr. Carter, Ms. Tealer, Mr. Smart, Mr. Hacker, Ms.  
8 Ray, Mr. Robinson, Ms. Taylor, Ms. Sebbane, Mr. Barajas, and Mr.  
9 Boyer.

10

11 I declare under penalty of perjury under the laws of the  
12 United States of America that the foregoing is true and correct.

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14 Executed on December 20, 2024, in San Francisco, California.

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By:   
Megan McCreadie

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